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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,159	02/28/2002	Evren Eryurek	30203/38231	2668
4743	7590	08/13/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60602			BARNES, CRYSTAL J	
		ART UNIT	PAPER NUMBER	
		2121		

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

JRC/3

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/086,159	ERYUREK ET AL.	
	Examiner	Art Unit	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 June 2004.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

<ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol>
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#### DETAILED ACTION

1. The following is a Non-Final Office Action in response to communication received on 25 June 2004. Claims 1-46 remain pending in this application.

#### *Response to Arguments*

2. Applicant's arguments, see Applicant's Interview Summary, filed 25 June 2004, with respect to the rejections of claims 1 and 25, and all claims dependent thereon under 35 U.S.C. 102(b) as being anticipated by USPN 5,347,449 Meyer et al. have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of USPN 6,738,811 B1 to Liang.

#### *Claim Rejections - 35 USC § 102*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-15, 18-34 and 37-46 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,738,811 B1 to Liang.

As per claim 1, the Liang reference discloses a method of automatically taking corrective measures within a process plant, wherein the process plant includes a plurality of devices, the method comprising: receiving data (see column 4 lines 37-40, "monitoring server") pertaining to the status ("status") of a device ("registered server"); automatically generating an order (see column 8 lines 39-45, "order") in response to a detected problem (see column 5 lines 31-33, "critical status condition") with the device ("registered server"), wherein the detected problem ("critical status condition") is based on the data ("monitoring server") pertaining the status ("status") of the device ("registered server") and the order ("order") relates to taking one or more corrective measures (see column 5 lines 33-39, "necessary measures") to solve the problem ("critical status condition"); and communicating the order (see column 7 lines 62-65, "ordered").

As per claim 2, the Liang reference discloses receiving data ("monitoring server") comprises receiving diagnostic information (see column 5 lines 20-30, "parameters") pertaining to the device ("registered server").

As per claim 3, the Liang reference discloses receiving data ("monitoring server") comprises receiving a maintenance request (see column

4 lines 44-48, "repairing services") to service the device ("registered server").

As per claim 4, the Liang reference discloses receiving data ("monitoring server") comprises receiving a notification (see column 5 lines 35-39, "notifying the owner") of a current problem ("critical status condition") with the device ("registered server").

As per claim 5, the Liang reference discloses receiving data ("monitoring server") comprises receiving a notification (see column 7 lines 52-56, "message agent 220") of a predicted future problem (see column 7 lines 56-58, "predicated") with the device ("registered server").

As per claim 6, the Liang reference discloses receiving data ("monitoring server") comprises receiving a use index (see column 5 lines 26-30, "additional parameters or status") representative of the status of the device ("registered server").

As per claim 7, the Liang reference discloses a maintenance system (see column 4 lines 44-48, "central server 130") receives the use index ("additional parameters or status") and automatically generating an order ("order") comprises automatically generating a work order ("order") based on the use index ("additional parameters or status").

As per claim 8, the Liang reference discloses generating a work order ("order") comprises determining the one or more corrective measures ("necessary measures") to solve the problem ("critical status condition").

As per claim 9, the Liang reference discloses further comprising displaying instructions (see column 9 lines 5-8, "remaining time") for achieving a desired use index ("break down") for the device ("registered server").

As per claim 10, the Liang reference discloses displaying instructions ("remaining time") for achieving a desired use index ("break down") for the device ("registered server") comprises displaying instructions ("remaining time") representative of the one or more corrective measures ("necessary measures") to solve the problem ("critical status condition").

As per claim 11, the Liang reference discloses further comprising determining the status ("status") of the device ("registered server") based on at least one of process control data (see column 5 lines 20-30, "temperature, speed") pertaining to the device ("registered server") and maintenance data (see column 5 lines 20-30, "memory leakage status, cooling fan conditions") pertaining to the device ("registered server").

As per claim 12, the Liang reference discloses generating an order ("order") comprises generating a work order ("order") for performing maintenance ("repairing services") related to solving the problem ("critical status condition") with the device ("registered server"), and communicating the order ("order") comprises communicating the work order ("order") to one or more maintenance personnel (see column 5 lines 35-39, "scheduling repairs") capable of performing the maintenance ("repairing services").

As per claim 13, the Liang reference discloses generating an order ("order") comprises generating an order ("order") for a part (see column 5 lines 35-39, "replacement") related to solving the problem ("critical status condition") with the device ("registered server"), and communicating the order ("order") comprises communicating the order ("order") for the part to a supplier (see column 7 lines 62-65, "preferred vendors") of the part ("replacement").

As per claim 14, the Liang reference discloses generating an order ("order") comprises generating an order ("order") for a replacement device (see column 7 lines 62-65, "replacement").

As per claim 15, the Liang reference discloses communicating the order ("order") comprises communicating the order ("order") via the internet (see column 1 lines 24-27, "Internet").

As per claim 18, the Liang reference discloses generating an order ("order") comprises scheduling an order (see column 5 lines 35-39, "arranging replacement or scheduling repairs") to be fulfilled prior to failure (see column 9 lines 5-8, "remaining time ... to break down") of the device (see column 7 lines 34-36, "registered server").

As per claim 19, the Liang reference discloses further comprising tracking the status of the order (see column 7 lines 64-65, "when and where the replacement will arrive").

As per claim 20, the Liang reference discloses tracking the status of the order ("when and where the replacement will arrive") comprises receiving data pertaining to a report (see column 7 lines 62-65, "message") regarding the order ("ordered"); and receiving data pertaining to the date (see column 10 lines 18-20, "solutions include date, time") of the report ("message").

As per claim 21, the Liang reference discloses receiving data pertaining to a report ("message") comprises receiving data pertaining to the location (where the replacement will arrive") of the order ("ordered").

As per claim 22, the Liang reference discloses receiving data pertaining to a report ("message") comprises receiving data pertaining to the status of the order (see column 7 lines 62-64, "confirmation that a replacement has been ordered").

As per claim 23, the Liang reference discloses receiving data comprises receiving data ("status conditions") pertaining to one of a field device (see column 5 lines 24-25, "temperature, speed") and field equipment ("registered server").

As per claim 24, the Liang reference discloses receiving data comprises receiving data ("health/status condition") pertaining to the status of one of a two-wire device, a three-wire device, a four-wire device, a wireless device, a device having a processor, a variable speed driver, a controller, a multiplexer, rotating equipment ("cooling fan"), an actuator, power generation equipment, power distribution equipment, a transmitter, a sensor (see column 2 lines 39-40, "thermostats"), a control system, a transceiver, a valve, a positioner ("cooling fan speed"), a switch, electrical equipment ("voltages"), a server ("registered server"), a hand held device, a pump, an I/O system, a smart field device, a non-smart field device, a HART protocol device, a Fieldbus protocol device, a PROFIBUSOO protocol device,

a WORLDFIP® protocol device, a Device-Net® protocol device, a AS-Interface protocol device, a CAN protocol device, a TCP/IP protocol device, an Ethernet device, an internet-based device, and a network communication device.

As per claim 25, the rejection of claim 1 is incorporated and further claim 25 contains limitations recited in claim 1; therefore claim 25 is rejected under the same rationale as claim 1.

As per claim 26, the rejection of claim 2 is incorporated and further claim 26 contains limitations recited in claim 2; therefore claim 26 is rejected under the same rationale as claim 2.

As per claim 27, the rejection of claim 3 is incorporated and further claim 27 contains limitations recited in claim 3; therefore claim 27 is rejected under the same rationale as claim 3.

As per claim 28, the rejection of claim 4 is incorporated and further claim 28 contains limitations recited in claim 4; therefore claim 28 is rejected under the same rationale as claim 4.

As per claim 29, the rejection of claim 5 is incorporated and further claim 29 contains limitations recited in claim 5; therefore claim 29 is rejected under the same rationale as claim 5.

As per claim 30, the rejection of claim 6 is incorporated and further claim 30 contains limitations recited in claim 6; therefore claim 30 is rejected under the same rationale as claim 6.

As per claim 31, the rejection of claim 12 is incorporated and further claim 31 contains limitations recited in claim 12; therefore claim 31 is rejected under the same rationale as claim 12.

As per claim 32, the rejection of claim 13 is incorporated and further claim 32 contains limitations recited in claim 13; therefore claim 32 is rejected under the same rationale as claim 13.

As per claim 33, the rejection of claim 14 is incorporated and further claim 33 contains limitations recited in claim 14; therefore claim 33 is rejected under the same rationale as claim 14.

As per claim 34, the rejection of claim 15 is incorporated and further claim 34 contains limitations recited in claim 15; therefore claim 34 is rejected under the same rationale as claim 15.

As per claim 37, the rejection of claim 18 is incorporated and further claim 37 contains limitations recited in claim 18; therefore claim 37 is rejected under the same rationale as claim 18.

As per claim 38, the rejection of claim 19 is incorporated and further claim 38 contains limitations recited in claim 19; therefore claim 38 is rejected under the same rationale as claim 19.

As per claim 39, the rejection of claim 20 is incorporated and further claim 39 contains limitations recited in claim 20; therefore claim 39 is rejected under the same rationale as claim 20.

As per claim 40, the rejection of claim 21 is incorporated and further claim 40 contains limitations recited in claim 21; therefore claim 40 is rejected under the same rationale as claim 21.

As per claim 41, the rejection of claim 22 is incorporated and further claim 41 contains limitations recited in claim 22; therefore claim 41 is rejected under the same rationale as claim 22.

As per claim 42, the rejection of claim 20 is incorporated and further claim 42 contains limitations recited in claim 20; therefore claim 42 is rejected under the same rationale as claim 20.

As per claim 43, the rejection of claim 13 is incorporated and further claim 43 contains limitations recited in claim 13; therefore claim 43 is rejected under the same rationale as claim 13.

As per claim 44, the rejection of claim 23 is incorporated and further claim 44 contains limitations recited in claim 23; therefore claim 44 is rejected under the same rationale as claim 23.

As per claim 45, the rejection of claim 24 is incorporated and further claim 45 contains limitations recited in claim 24; therefore claim 45 is rejected under the same rationale as claim 24.

As per claim 46, the rejection of claim 1 is incorporated and further claim 46 contains limitations recited in claim 1; therefore claim 46 is rejected under the same rationale as claim 1.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 16, 17, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,738,811 B1 to Liang in view of USPN 5,515,266 to Meyer.

As per claims 16 and 17, the Liang reference does not expressly disclose communicating the order comprises communicating the order via a telephone communication link and a wireless communication link, respectively.

The Meyer reference discloses  
(see column 4 lines 12-21, "... communication connection with an external system ... arrange a suitable protocol ... data acquisition and processing equipment supplier ...")  
(see column 7 lines 9-16, "... communication ... via an interface 42 ... suitable communication protocol ... via interfaces 588, 589 ...")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the health diagnostic system taught by the Liang reference with the interface taught by the Meyer reference to enable communication with part suppliers and other resourceful parties.

One of ordinary skill in the art would have been motivated to enable communication with part suppliers and other resourceful parties to provide replacement part availability and preset times for services that enable a reasonable planning ahead to eliminate critical status conditions as quickly as possible.

As per claims 35 and 36, the rejection of claims 16 and 27 are incorporated, respectively and further claims 35 and 36 contain limitations

recited in claims 16 and 27; therefore claims 35 and 36 are rejected under the same rationale as claims 16 and 27.

*Response to Amendment*

7. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to monitoring systems in general:

US Pub. No. 2002/0082753 A1 to Guskov et al.

US Pub. No. 2002/0077711 A1 to Nixon et al.

USPN 5,428,679 to French

USPN 5,533,093 to Horton et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 703.306.5448. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703.308.3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cjb  
5 August 2004

*Ramesh Patel*  
RAMESH PATEL 8/7/02  
PRIMARY EXAMINER  
*For Anthony Knight*